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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF ARIZONA**

7 United States of America,

8 Plaintiff

9 v.

10 Norberto Cruz-Rocha,

11 Defendant.
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MAGISTRATE NO. 08-6196M

**ORDER RE: EXTENDING TIME TO
INDICT**

13 **HAVING** considered Defendant Norberto Cruz-Rocha's Motion to Extend Time and good
14 cause having been shown;

15 **THE COURT** makes the following findings:

- 16 1. Counsel for defendant has only recently been appointed;
- 17 2. The defendant earnestly wishes to consider the plea offer extended by the government;
- 18
- 19 3. The defendant wishes to investigate possible defenses prior to considering the
20 government's plea offer;
- 21 4. The government's plea offer, if accepted by the defendant and then the Court, would
22 likely reduce defendant's exposure to a significant term of imprisonment;
- 23 5. If the defendant does not timely accept the plea offer prior to indictment, the
24 government will withdraw the plea offer and any subsequent plea offer after
25 indictment would likely be less advantageous to the defendant;
- 26 6. Failure to extend time for indictment in this instance would thus operate to bar
27 defendant from reviewing the government's plea offer in a meaningful way prior to
indictment; and


7. The ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy indictment.

The Court therefore concludes that the ends of justice are best served by granting an extension of time to present the case to the grand jury and in excluding a period of thirty (30) days under the Speedy Trial Act. In making this determination, the Court has particularly taken into account that the failure to grant the Defendant's request "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS HEREBY ORDERED that defendant's Motion to Extend Time for Indictment requesting an extension of thirty (30) days within the government may seek to indict defendant, is hereby granted.

IT IS FURTHER ORDERED that pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, the Government shall have an extension of thirty (30) days to file a timely Indictment. Excludable time shall begin to run on the 31st day after arrest for a period of thirty (30) days in which the Government may present the case to the grand jury.

DATED this 25th day of July, 2008.


Lawrence O. Anderson
United States Magistrate Judge